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3 3. The following uses are prohibited uses of the Property

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5 Automotive rentals  
6 Automotive sales  
7 Bail bond services  
8 Business support services  
9 Communication services  
10 Consumer repair services  
11 Financial services  
12 Funeral services  
13 General retail sales (general)  
14 Indoor entertainment  
15 Medical offices (exceeding 5000 s.f.  
16 gross floor area)  
17 Off-site accessory parking  
18 Outdoor sports and recreation  
19 Printing and publishing  
20 Pet services  
21 Research services  
22 Restaurant (general)  
23 Food preparation  
24 Custom manufacturing  
25 Cultural services  
26 Hospital services (general)  
27  
28 Automotive repair  
29 Automotive washing (of any kind)  
30 Business or trade school  
31 Commercial off-street parking  
32 Consumer convenience services  
33 Exterminating services  
34 Food sales  
35 General retail sales (convenience)  
36 Hairdressing  
37 Hotel  
38 Indoor sports and recreation  
39 Medical offices (not exceeding 5000 s.f.  
40 gross floor area)  
Outdoor entertainment  
Pawn shop services  
Personal services  
Plant nursery  
Restaurant (limited)  
Service station  
Theater  
Club or lodge  
Hospital services (limited)

28 Except as specifically restricted under this ordinance, the Property may be developed and  
29 used in accordance with the regulations established for the community commercial (GR)  
30 base district and other applicable requirements of the City Code.  
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**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

§  
§  
§

Willie Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Brown  
City Clerk

**DRAFT**

FIELD NOTES  
FOR  
DENNIS ARTALE

EXHIBIT A

10,762 SQUARE FOOT TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 1, BLOCK A, FAYE'S SUBDIVISION, AS RECORDED IN PLAT BOOK 97, PAGE 398, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron rod found at the Northwest corner of Lot 1, Block A, Faye's Subdivision, as recorded in Plat Book 97, Page 398, Plat Records, Travis County, Texas, being an inside corner of Lot 1, Framar Subdivision, as recorded in Plat Book 75, Page 32, Plat Records, Travis County, Texas;

THENCE with the West line of the said Lot 1, Block A, Faye's Subdivision, S 30°09'09"W for a distance of 38.24 feet to a point;

THENCE leaving the West line of the said Lot 1, Block , Faye's Subdivision, S 59°50'50"E for a distance of 10.00 feet to a point for the Northwest corner and PLACE OF BEGINNING hereof;

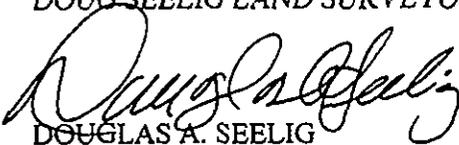
THENCE S 59°50'50"E for a distance of 91.20 feet to a point for the Northeast corner hereof;

THENCE S 30°09'09"W for a distance of 118.00 feet to a point for the Southeast corner hereof;

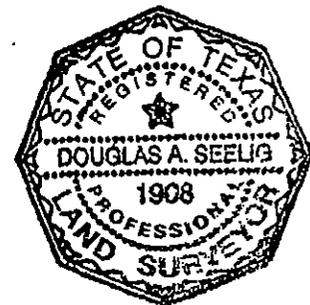
THENCE N 59°50'50"W for a distance of 91.20 feet to a point for the Southwest corner hereof;

THENCE N 30°09'09"E for a distance of 118.00 feet to the PLACE OF BEGINNING, and containing 10,762 square feet of land, more or less.

AS SURVEYED BY:  
DOUG SEELIG LAND SURVEYORS, P.C.



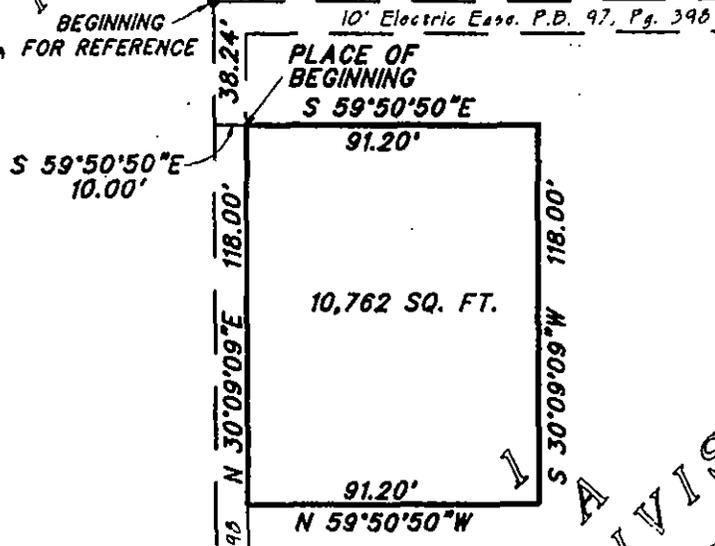
DOUGLAS A. SEELIG  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1908  
3802 MANCHACA ROAD  
AUSTIN, TEXAS 78704  
Surveyed August 10, 2000  
Field Notes prepared June 10, 2004



Work Order No. 21707

MAP TO  
ACCOMPANY  
FIELD NOTES

LOT 1  
FRAMAR SUBD.  
P.B. 75, PG. 32

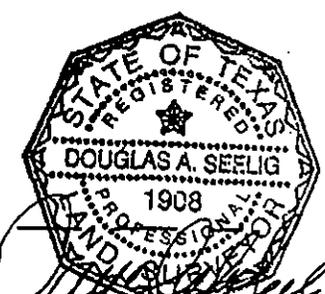


LOT  
BLOCK A  
AYE'S SUBDIVISION  
P.B. 97, PG. 398

SCALE 1" = 60'

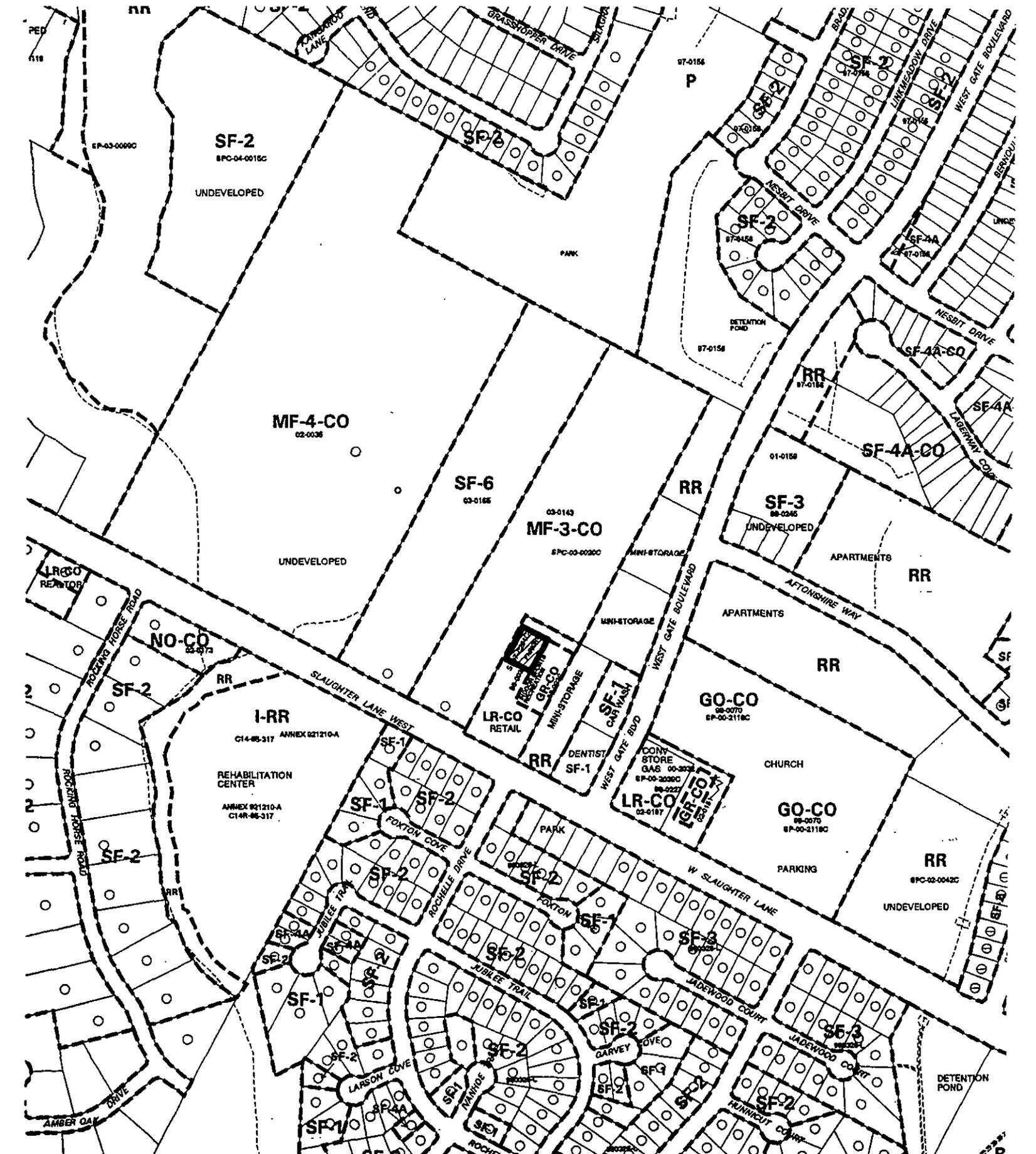
S 30°09'09"W 438.25'

SLAUGHTER LANE WEST



DOUGLAS A. SEELIG  
Registered Professional  
Land Surveyor No. 1908

DOUG SEELIG LAND SURVEYORS, P.C.  
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222



  
**SUBJECT TRACT**  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: W. WALSH

**ZONING EXHIBIT B**

**CASE #: C14-04-0090**  
**ADDRESS: 3100 W SLAUGHTER LANE**  
**SUBJECT AREA (acres): 0.240**

**DATE: 04-06**  
**INTLS: SM**

**CITY GRID REFERENCE NUMBER**  
**D15**

**RESTRICTIVE COVENANT**

**OWNER:** Artale Services, Ltd., a Texas limited partnership

**ADDRESS:** 3200 Doe Run, Austin, Texas 78748

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

**PROPERTY:** A 10,762 square foot tract of land out of Lot One, Block A, Faye's Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The use of coal tar based asphalt sealants for construction or repair of asphaltic concrete paving is prohibited on the Property.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C", may not be included.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 20 day of AUGUST, 2004.

**OWNER:**

Artale Services, Ltd.,  
a Texas limited partnership

By: Faye's Gymnastic Stars, Inc.  
a Texas corporation,  
General Partner

By:   
Faye Artale,  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

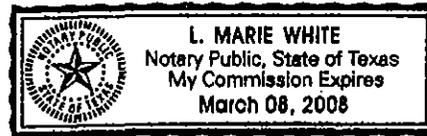
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 26 day of AUGUST, 2004, by Faye Artale, President of Faye's Gymnastic Stars, Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner on behalf of Artale Services, Ltd., a Texas limited partnership.

L. Marie White  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767-1088  
Attention: Diana Minter, Legal Assistant



## EXHIBIT A

FIELD NOTES  
FOR  
DENNIS ARTALE

## 10,762 SQUARE FOOT TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 1, BLOCK A, FAYE'S SUBDIVISION, AS RECORDED IN PLAT BOOK 97, PAGE 398, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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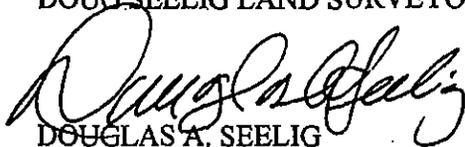
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AS SURVEYED BY:  
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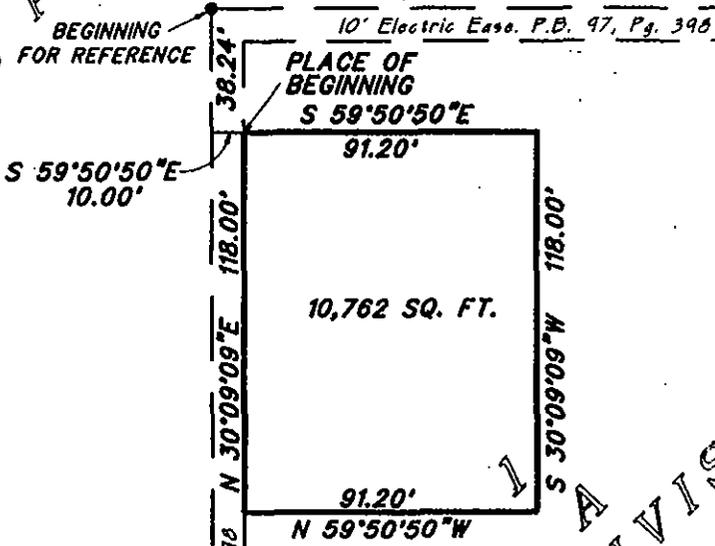
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Field Notes prepared June 10, 2004



Work Order No. 21707

MAP TO  
ACCOMPANY  
FIELD NOTES

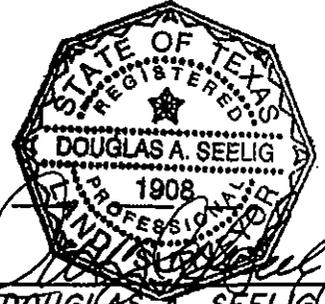
LOT 1  
FRAMAR SUBD.  
P.B. 75, PG. 32



LOT 1  
AYE'S SUBDIVISION  
P.B. 97, PG. 398

SCALE 1" = 60'

SLAUGHTER LANE WEST



DOUGLAS A. SEELIG  
Registered Professional  
Land Surveyor No. 1908

DOUG SEELIG LAND SURVEYORS, P.C.  
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222

## EXHIBIT B

# Grow Green Native and Adapted Landscape Plants

### Trees

Ash, Texas *Fraxinus texensis*  
Arizona Cypress *Cupressus arizonica*  
Big Tooth Maple *Acer grandidentatum*  
Cypress, Bald *Taxodium distichum*  
Cypress, Montezuma *Taxodium mucronatum*  
Elm, Cedar *Ulmus crassifolia*  
Elm, Lacebark *Ulmus parvifolia*  
Honey Mesquite *Prosopis glandulosa*  
Oak, Bur *Quercus macrocarpa*  
Oak, Chinquapin *Quercus muhlenbergii*  
Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*  
Oak, Lacey *Quercus glaucooides*  
Oak, Monterey (Mexican White) *Quercus polymorpha*  
Oak, Shumard *Quercus shumardii*  
Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)  
Pecan *Carya illinoensis*  
Soapberry *Sapindus drummondii*

### Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*  
Buckeye, Mexican *Ungnadia speciosa*  
Buckeye, Rec *Aesculus pavia*  
Carolina Buckthorn *Rhamnus caroliniana*  
Cherry Laurel *Prunus caroliniana*  
Crape Myrtle *Lagerstroemia indica*  
Desert Willow *Chilopsis linearis*  
Dogwood, Roughleaf *Cornus drummondii*  
Escarpment Black Cherry *Prunus serotina* var. *eximia*  
Eve's Necklace *Sophora affinis*  
Goldenball Leadtree *Leucaena retusa*  
Holly, Possumhaw *Ilex decidua*  
Holly, Yaupon *Ilex vomitoria*  
Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*  
Pistachio, Texas *Pistacia texana*  
Plum, Mexican *Prunus mexicana*  
Pomegranate *Punica granatum*  
Redbud, Mexican *Cercis canadensis* 'mexicana'  
Redbud, Texas *Cercis canadensis* var. 'texensis'  
Retama Jerusalem Thorn *Parkinsonia aculeata*  
Senna, Flowering *Cassia corymbosa*  
Smoke Tree, American *Cotinus obovatus*  
Sumac, Flameleaf *Rhus lanceolata*  
Viburnum, Rusty Blackhaw *Viburnum rufidulum*  
Viburnum, Sandankwa *Viburnum suspensum*

## Shrubs

- Abelia, Glossy *Abelia grandiflora*  
 Agarita *Berberis trifoliata*  
 Agave (Century Plant) *Agave* sp.  
 American Beautyberry *Callicarpa americana*  
 Artemisia *Artemisia 'Powis Castle'*  
 Barbados Cherry *Malpighia glabra*  
 Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*  
 Basket Grass (Sacahuista) *Nolina texana*  
 Black Dalea *Dalea frutescens*  
 Bush Germander *Teucrium fruticans*  
 Butterfly Bush *Buddleja davidii*  
 Butterfly Bush, Woolly *Buddleja marrubiiifolia*  
 Coralberry *Symphoricarpos orbiculatus*  
 Cotoneaster *Cotoneaster* sp.  
 Eleagnus *Eleagnus pungens*  
 Esperanza/Yellow Bells *Tecoma stans*  
 Flame Acanthus *Anisacanthus quadrifidus* var. *wrightii*  
 Fragrant Mimosa *Mimosa borealis*  
 Holly, Burford *Ilex cornuta 'Burfordii'*  
 Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*  
 Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*  
 Jasmine, Primrose *Jasminum mesnyi*  
 Kidneywood *Eysenhardtia texana*  
 Lantana, Native *Lantana horrida*  
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*  
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*  
 Mock Orange *Philadelphus coronarius*  
 Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*  
 Oleander *Nerium oleander*  
 Palmetto *Sabal minor*  
 Prickly Pear *Opuntia engelmannii* var. *lindheimeri*  
 Rose, Belinda's Dream *Rosa 'Belinda's Dream'*  
 Rose, Lamarne *Rosa 'Lamarne'*  
 Rose, Livin' Easy *Rosa 'Livin' Easy'*  
 Rose, Marie Pavie *Rosa 'Marie Pavie'*  
 Rose, Martha Gonzales *Rosa 'Martha Gonzales'*  
 Rose, Mutabilis *Rosa 'Mutabilis'*  
 Rose, Nearly Wild *Rosa 'Nearly Wild'*  
 Rose, Old Blush *Rosa 'Old Blush'*  
 Rose, Perle d'or *Rosa 'Perle d'or'*  
 Rock Rose *Pavonia lasiopetala*  
 Rosemary *Rosmarinus officinalis*  
 Sage, Mountain *Salvia regia*  
 Sage, Texas (Cenizo) *Leucophyllum frutescens*  
 Senna, Lindheimer *Cassia lindheimeriana*  
 Southern Wax Myrtle *Myrica cerifera*  
 Sumac, Evergreen *Rhus virens*  
 Sumac, Fragrant (Aromatic) *Rhus aromatica*  
 Texas Sotol *Dasyllirion texanum*  
 Turk's Cap *Malvaviscus arboreus*  
 Yucca, Paleleaf *Yucca pallida*  
 Yucca, Red *Hesperaloe parviflora*  
 Yucca, softleaf *Yucca recurvifolia*  
 Yucca, Twistleaf *Yucca rupicola*

## Perennials

- Black-eyed Susan *Rudbeckia hirta*  
 Bulbine *B. frutescens* or *caulescens*  
 Bush Morning Glory *Ipomoea fistulosa*  
 Butterfly Weed *Asclepias tuberosa*  
 Butterfly Weed 'Mexican' *Asclepias curassivica*  
 Cast Iron Plant *Aspidistra elatior*  
 Chile Pequin *Capsicum annuum*  
 Cigar Plant *Cuphea micropetala*  
 Columbine, Red *Aquilegia canadensis*  
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'  
 Coreopsis *Coreopsis lanceolata*  
 Daisy, Blackfoot *Melampodium leucanthum*  
 Daisy, Copper Canyon *Tagetes lemmonii*  
 Damiantia *Crysactina mexicana*  
 Fall Aster *Aster oblongifolius*  
 Fern, River *Thelypteris kunthii*  
 Firebush *Hamelia patens*  
 Gaura *Gaura lindeheimeri*  
 Gayfeather *Liatris mucronata*  
 Gregg Dalea *Dalea greggii*  
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*  
 Honeysuckle, Mexican *Justicia spicigera*  
 Hymenoxys (Four Nerve Daisy) *Tetaneuris scaposa*  
 Indigo Spires *Salvia* 'Indigo Spires'  
 Iris, Bearded *Iris albicans*  
 Iris, Butterfly/Bicolor (African) *Dietes* sp.  
 Lamb's Ear *Stachys byzantina*  
 Lantana *Lantana x hybrida* (many varieties)  
 Lantana, Trailing *Lantana montevidensis*  
 Marigold, Mexican Mint *Tagetes lucida*  
 Obedient Plant, Fall *Physostegia virginiana*  
 Oregano, Mexican *Poliomintha longiflora*  
 Penstemon *Penstemon* sp.  
 Phlox, Fragrant *Phlox pilosa*  
 Pink Skullcap *Scutellaria suffrutescens*  
 Plumbago *Plumbago auriculata*  
 Poinciana, Red Bird of Paradise, Pride of Barbados  
*Caesalpinia pulcherrima*  
 Primrose, Missouri *Oenothera macrocarpa*  
 Purple Coneflower *Echinacea purpurea*  
 Ruellia *Ruellia brittoniana*  
 Sage, Cedar *Salvia roemeriana*  
 Sage, Jerusalem *Phlomis fruticosa*  
 Sage, Majestic *Salvia guaranitica*  
 Sage, Mealy Blue *Salvia farinacea*  
 Sage, Mexican Bush *Salvia leucantha*  
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*  
 Sage, Russian *Perovaskia atriclipifolia*  
 Sage, Scarlet or 'Tropical' *Salvia coccinea*  
 Salvia, Gregg (Cherry Sage) *Salvia greggii*  
 Shrimp Plant *Justicia brandegeana*  
 Texas Betony *Stachys coccinea*  
 Verbena, Prairie *Verbena bipinnatifida*  
 Yarrow *Achillea millefolium*  
 Zexmenia *Wedelia texana*

## Ornamental Grasses

Bluestem, Big *Andropogon gerardii*  
Bluestem, Bushy *Andropogon glomeratus*  
Bluestem, Little *Schizachyrium scoparium*  
Fountain Grass, Dwarf *Pennisetum alopecuroides*  
Indian Grass *Sorghastrum nutans*  
Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*  
Muhly, Bamboo *Muhlenbergia dumosa*  
Muhly, Big *Muhlenbergia lindheimeri*  
Muhly, Deer *Muhlenbergia rigens*  
Muhly, Gulf *Muhlenbergia capillaris*  
Muhly, Seep *Muhlenbergia reverchonii*  
Sideoats Grama *Bouteloua curtipendula*  
Wild Rye *Elymus canadensis*

## Vines

Asian Jasmine *Trachelospermum asiaticum*  
Carolina Jessamine *Gelsemium sempervirens*  
Coral Vine *Antigonon leptopus*  
Crossvine *Bignonia capreolata*  
Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*  
Lady Banksia Rose *Rosa banksiae*  
Passion Vine *Passiflora incarnata*  
Trumpet Vine *Campsis radicans*  
Virginia Creeper *Parthenocissus quinquefolia*

## Groundcover

Aztec Grass *Ophiopogon japonicus*  
Frogfruit *Phyla incisa*  
Horseherb *Calyptocarpus vialis*  
Leadwort *Plumbago Ceratostigma plumbaginoides*  
Liriope *Liriope muscari*  
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*  
Oregano *Origanum vulgare*  
Periwinkle, Littleleaf *Vinca minor*  
Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*  
Santolina (Lavender Cotton) *Santolina chamaecyparissus*  
Sedge, Berkeley *Carex tumulicola*  
Sedge, Meadow *Carex perdentata*  
Sedge, Texas *Carex texensis*  
Sedum (Stonedrop) *Sedum nuttallianum*  
Silver Ponyfoot *Dichondra argentea*  
Woolly Stemodia *Stemodia lanata* (*Stemodia tomentosa*)

## Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'  
Buffalo '609', 'Stampede', 'Prairie'  
St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'  
Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

# EXHIBIT C

## Invasive Species/Problem Plants

### PLANTS TO AVOID

#### **INVASIVES**

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

#### **Do Not Plant**

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

#### **Do Not Plant Near**

#### **Parks/Preserves/Greenbelts**

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

#### **PROBLEM TREES AND SHRUBS**

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven